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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,514	01/15/2004	William Orman Wollgast	03005	5796
39047	7590	06/28/2006	EXAMINER NOVOSAD, CHRISTOPHER J	
MACHETTA LAW FIRM, P.C 14614 FALLING CREEK DRIVE HOUSTON, TX 77068			ART UNIT 3641	PAPER NUMBER

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,514

Applicant(s)

WOLLGAST ET AL.

Examiner

Christopher J. Novosad

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,8-11,14-16,20,21,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 8-11,14-16,20 and 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,25 and 26 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

Election/Restrictions

In view of Applicant's election **without traverse** of Species I of the Group I invention (claims 1, 3 and new claims 25 and 26) in the reply filed on 04/20/2006, claims 8-11, 14-16, 20 and 21 stand withdrawn from further consideration under 37 CFR 1.142(b) as being drawn to non-elected inventions and species, there being no (allowable) generic or linking claim(s).

Claims 2, 4-7, 12, 13, 17-19 and 22-24 have been canceled.

Claims 1, 3, 25 and 26 remain for consideration by the Examiner.

Objections to the Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The drawings do not show the "front surface" as being "*shaped as a concave shape*" as specifically recited in claim 1, line 7. The drawings (Figures 1, 3, 5 and 8) only show the front surface 11 as being convex-shaped. Therefore, the claimed "concave shape" of the "front surface" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(5) and 37 CFR 1.83(a), 608.02(d), MPEP, because they do not include the following reference signs(s) and elements or details mentioned in the description:

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The numeral “28” (referred to in page 5, line 7 of the latest “Clean Version” of the specification) is not shown in Fig. 2 of the drawing.

Specification Objections

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification fails to provide proper support or antecedent basis for the recitations (claim 1, line 7) that the front surface 11 *“is shaped as a concave shape”* with *“radius ranges from 4 to 16 feet”* (claim 3, line 2), and with *“radius ranges from 7 to 9 feet”* (claims 25 and 26). The specification (page 4) refers to the surface 11 only as “a curved front surface.” However, it is noted that the original disclosure, i.e., in **original claims 3, 5, 10 and 11**, provides support for the “concave” and “convex” shaped curved surface 11 as having “radius ranges from 2 to 24 feet.”

The specification further fails to provide proper support or antecedent basis for the recitation in claim 26, line 4, that the “clamping mechanism” is *“located at a distance furthest from the ground.”*

Allowed Claims

Claims 1, 3, 25 and 26 are allowed subject to the formal matters noted above being corrected.

Conclusion

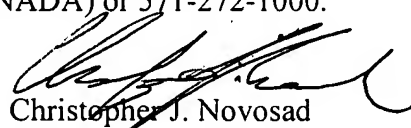
Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached AT 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Christopher J. Novosad
Primary Examiner
Art Unit 3641

June 26, 2006